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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,258	10/16/2003	Julianne Frances Haugh	AUS920030712US1	9976
35525	7590	12/14/2006	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			OLATUNJI, OLATUNDE O	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,258

Applicant(s)

HAUGH ET AL.

Examiner

Olatunde Olatunji

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/16/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/16/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/16/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claim(s) 1-20 have been presented for examination.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 10/16/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Specification***

The disclosure is objected to because of the following informalities: The following application describes claims reference to a US Patent application that describes an exemplary mechanism for translating between access control list formats that is mentioned in the specification on page 9 paragraph number 2 but didn't provide the actual serial numbers. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 20 is directed to a computer readable medium. In this instance, this subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine,

manufacture, or a composition of matter. Instead, Applicant's specification provides intrinsic evidence on page 22 of the specification, it includes the operations and methods may be implemented in a software executable object or as a set of instructions embedded in a light wave and radio frequency.

A set of instructions embedded in a light wave or a radio frequency are not limited to media which falls within a statutory category since they are clearly not limited to a mechanical device or combination of mechanical devices to constitute a machine, nor a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, nor a composition of two or more substances to constitute a composition of matter.

The Office's current position is that claims involving signals encoded with functional descriptive material do not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101, and such claims are therefore ineligible for patent protection. See 1300 OG 142 (November 22, 2005) (in particular, see Annex IV(c)).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 8, 10-13, 18 and 20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Gai et al., United States Patent No. 6,651,096.

With the respect to claim 1 and 20, Gai reference discloses:

A method for managing access control lists in a filesystem (see abstract, "organizing, storing and evaluating access control lists"), the method comprising:

associating two or more access control lists (see Fig. 4, elements 416a-416e) with a given filesystem object (see col. 7 lines 24-32; "The columns of the ACL represent the specific criteria with which network messages are compared");

responsive to receiving, from a requester, a request for an access control list associated with the given filesystem object (see col. 4, lines 26-32; col. 7, lines 24-32), determining a filesystem type of the requester (see col. 5, lines 13-21; col. 7, lines 29-34; col. 8, lines 9-15); and

returning an access control list matching the filesystem type of the requester (see col. 8, lines 14-15, "Once a match is located, the corresponding action is returned and processing stops").

With the respect to claims 2 and 12, Gai reference teaches determining whether an access control list matching the filesystem type of the requester exists (see col. 5, lines 13-21; col. 7, lines 29-34; col. 8, lines 9-15); and

responsive to a determination that a matching access control list exists, returning the matching access control list (see col. 8, lines 14-15, "Once a match is located, the corresponding action is returned and processing stops") .

With the respect to claims 3 and 13, Gai reference teaches wherein the step of returning the matching access control list (see col. 8, lines 14-15, "Once a match is located, the corresponding action is returned and processing stops") includes accessing the matching access control list using an access mechanism (see col. 7, lines 24-27, ACE-Access Control Entry) associated with the filesystem type of the requester (see col. 5, lines 13-21; col. 7, lines 29-34; col. 8, lines 9-18).

*Examiner notes the protocol field in the ACE is associated with the filesystem type of the requester and is used for access.*

With the respect to claims 8 and 18, Gai reference teaches wherein the step of associating two or more access control lists with a given filesystem object (see col. 7 lines 16-32) includes storing the two or more access control lists in file storage (see Fig. 4, element 408, NVRAM) with the given filesystem object (see col. 6, lines 1-2 & 13-18; col. 7, 60-66, "ACLs 416a-416e may be downloaded to device 316 ... and stored at NVRAM 408.").

With the respect to claim 10, Gai reference teaches wherein an access control list storage (see Fig. 4, element 410, TCAM) is provided an for each directory, each

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filesystem, or for each portion of a file system (see col. 6, lines 24-27, "apportioned segments 410a-e"; col. 6, lines 31-35; col. 9, lines 22-31).

With the respect to claim 11, Gai reference discloses:

a filesystem (see abstract, "organizing, storing and evaluating access control lists"), wherein the filesystem includes a plurality of access mechanisms (see col. 7, lines 24-27, ACE- Access Control Entry) and wherein each access mechanism of the plurality of access mechanisms is associated with a filesystem type (see col. 5, lines 13-21; col. 8, lines 9-15); and

a file storage (see Fig. 4, element 408), wherein the file storage has stored therein at least one filesystem object (see col. 7, lines 29-32) and wherein a given filesystem object within the at least one filesystem object has associated therewith two or more access control lists (see Fig. 4, elements 416a-e; col. 6, lines 15-18);

wherein the filesystem, responsive to receiving from a requester a request for an access control list associated with the given filesystem object (see col. 4, lines 26-32; col. 7, lines 24-32), determines a filesystem type of the requester (see col. 5, lines 13-21; col. 7, lines 29-34; col. 8, lines 9-15) and returns an access control list matching the filesystem type of the requester (see col. 8, lines 14-15, "Once a match is located, the corresponding action is returned and processing stops").

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7,9,14-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai et al., United States Patent No. 6,651,096 in view of Hitz et al., United States Patent No. 6,457,130.

With the respect to claims 4 and 14, Gai reference teaches further comprising: responsive to a determination that a matching access control list does not exist (see col. 8, lines 24-26; col. 7, lines 24-27, "If no ACE of the subject ACL matches the message, an implicit action located at the end of the ACL is typically returned"),

Gai reference doesn't teach providing a new access control list for the filesystem type of the requestor; and returning the new access control list.

Hitz reference teaches responsive to a determination that a matching access control list does not exist (see col. 6, lines 1-2), providing a new access control list for the filesystem type of the requester (see col. 8, lines 26-34, new access control limits); and returning the new access control list (see col. 8, lines 12-16; col. 8, lines 35-40; col. 8, lines 60-62).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Gai invention and included the step of providing a new access control list for the filesystem



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type when a matching access control list does not exist of the requester and returning the new ACL for the purpose of enforcing file access control among client devices using multiple diverse access control models and multiple diverse file server protocols (see Hitz col. 2, lines 36-40).

With the respect to claims 5 and 15, Hitz reference teaches wherein the step of returning the new access control list (see col. 8, lines 12-16; col. 8, lines 12-16; col. 8, lines 35-40; col. 8, lines 60-62) includes accessing the new access control list (see col. 8, lines 26-29; "When the file has its access control limits modified") using an access mechanism associated with the filesystem type of the requester (see col. 4, lines 8-11 & lines 43-56, ACE-access control entries).

With the respect to claims 6 and 16, Hitz reference teaches wherein the step of providing a new access control list for the filesystem type of the requestor (see col. 8, lines 26-34, new access control limits) includes translating an existing access control list to the filesystem type of the requester (see col. 6, lines 1-10).

With the respect to claims 7 and 17, Hitz reference teaches wherein the step of providing a new access control list for the filesystem type of the requester (see col. 8, lines 26-34, new access control limits) includes providing a default access control list for the filesystem type of the requester based on rules associated with the filesystem (see col. 6, lines 10-13).

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With the respect to claims 9 and 19, Gai reference teaches wherein the step of associating two or more access control lists with a given filesystem object (see Gai col. 7 lines 16-32). Gai reference doesn't teach storing a native access control list in file storage with the given filesystem object and storing one or more non-native access control lists in access control list storage separate from the file storage.

Hitz reference teaches storing a native access control list (see col. 4, lines 8-11, "NT ACL") in file storage (see Fig. 1, element 112; col. 4, lines 43-48, NT security style) with the given filesystem object and storing one non-native access control list (see col. 4, lines 8-11, "Unix Perms") in access control list storage separate from the file storage (see col. 4, lines 8-25, Unix security style). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have the native and non-native access control list stored separately for the purpose of enforcing file access control among client devices using multiple diverse access control models and multiple diverse file server protocols (see Hitz col. 2, lines 36-40).

### ***Prior Art Made of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and patent applications are cited to further show the state of the art with respect to providing for administering and maintaining access control lists for a filesystem in a heterogeneous network environment, such as:

United States Patent No. 6,549,916 to Sedlar is cited to show an event notification system tied to a file system.

United States P.G. Pub. No. 2002/0124053 to Adams et al., is cited to show control of access control lists based on social networks.

United States Patent No. 5,948,110 to Hitz et al., is cited to show a method for providing parity in a raid sub-system using non-volatile memory.

United States Patent No. 6,119,151 to Cantrell et al., is cited to show system and method for efficient cache management in a distributed file system.

### ***Conclusion***

All claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olatunde Olatunji whose telephone number is (571) 270-1020. The examiner can normally be reached on M-TR 7:30-5pm EST & 2nd Friday 7:30-4pm EST.

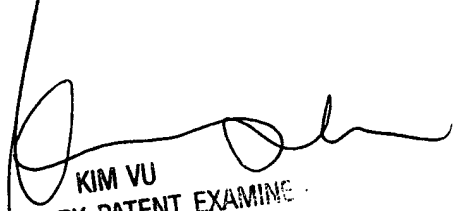
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/22/2006

  
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